

UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICIO

N RE:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO

As Representative of

THE COMMONWEALTH OF PUERTO RICO,
THE PUERTO RICO PUBLIC BUILDING
AUTHORITY, AND OTHERS

PROMESA
TITLE III

NO. 17-BK-03283-LTS

NO. 19-BK-05523-LTS

(Jointly Administered)

This filing relates to the
Commonwealth and Puerto Rico
Public Buildings Authority (PBA)

**CLAIMANT'S SUPPLEMENT NUNC PRO TUNC TO OPPOSITION TO DEBTOR'S
THREE HUNDRED FORTIETH OMNIBUS OBJECTION TO CLAIMS (DE 17,087)**

COMES NOW SKY HIGH ELEVATORS CORP., the Claimant in Claim No. 173732 in Case No. 19-BK-05523-LTS, represented by the undersigned and before this Honorable Court respectfully opposes any disallowance regarding the said Claim No. 173732, to wit:

1) On June 18, 2021, debtor in this case filed its *Three Hundred Fortieth Omnibus Objection* (340th Omnibus Objection) in which it objected and requested disallowance, as duplicative, the claim (No. 173 made by *Sky High Elevators Corp.* (hereafter, Claimant) for \$1,247,393.46. DE 17,087, Exhibit A, number 38. On July 10, 2021, Claimant opposed debtor's objection and disallowance. DE 17,295.

2) Claimant incorporates herein by reference the said opposition filed on July 10, 2021 (DE 17,295) because, in fact, Claim No. 173,732 is not duplicative. Indeed, there is no basis in fact for debtor's objection or for disallowance and debtor has shown

no evidence to support either its objection or the request for disallowance. Yet, despite not having any evidence, debtor filed its objection with this Honorable Court. Astonishingly, debtor filed its objection to the Claim just a few days after admitting that it had no such evidence.

3) In support of its objection and request for disallowance, the 340th Omnibus Objection, included a statement under penalty of perjury by Jay Herriman, a Managing Director of Alvarez & Marsal North America, LLC (“A&M”) the Firm retained to assist with the claims reconciliation process for the Debtors’ cases filed pursuant to the Puerto Rico Oversight, Management, and Economic Stability Act (“PROMESA”). DE 17,087-3 (Ex. B).

The Statement was signed on June 18, 2021.

4) In the June 18th Statement, Mr. Herriman swore that each of the claims at issue in the Three Hundred Fortieth Omnibus Objection was carefully reviewed and analyzed in good faith using due diligence by the appropriate personnel. He further stated that these efforts resulted in the identification of the claims to be disallowed, as identified in Exhibit A to the Three Hundred Fortieth Omnibus Objection (DE 17,087). Based on his “careful review,” Mr. Herriman stated conclusively that the Claim (No. 173732) was a “duplicative claims [to] be disallowed in [its] entirety to prevent multiple recoveries by the claimants.” DE 17-087-3, para. 5. Yet, in response to Claimant’s request for evidence that supported debtor’s objection, on June 10, 2021, Mr. Emmett McNulty, an analyst for A&M, informed Claimant that debtor was still working “to identify the specific invoices and/or purchase orders relevant” to Claim 173742. Exhibit 1. In the same message, Mr. McNulty promised to “reach out” once he had any further information. As of this

writing, no information has been received. Nor has any evidence of duplication been shown.

5) Clearly, the Herriman Sworn Statement of June 18th (DE 17,087-3) and the McNulty statement of June 10, 2021 (Exhibit 1) completely eviscerate debtor's objection to Claim 173742. Add to that the complete absence of any evidence in support of debtor's objection and the Court is left with no choice but to summarily deny the objection and its concomitant request for disallowance.

6) The sought disallowance is erroneous and contrary to the law and facts. Claimant demands trial by jury on any action to disallow this claim.

WHEREFORE, the Claimant respectfully requests that this Honorable Court reject any and all sought disallowance of Claim No. 173732 and/or provide Claimant trial by Jury.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 22nd day of July 2021.

I hereby CERTIFY that the instant Opposition was filed using the CM/ECF System of this Honorable Court which shall notify all Attorneys of Record in this case.

s/David W. Román
David W. Román, Esq.
USDC #125709
Email: davidromanlaw@gmail.com
P.O. Box 190914
San Juan, PR 00919-0914
Tel. 787-525-7223